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**MEDIA STATEMENT
FOR IMMEDIATE RELEASE
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**CONSTITUTIONAL COURT REFUSES ATTEMPTS OF AN ENGINEERING COMPANY TO REVIEW
AND SET ASIDE SIU INVESTIGATION REPORT ON ELECTRIFICATION OF LIMPOPO VILLAGES**

The Constitutional Court has refused to grant an application for direct access brought by Mphaphuli Consulting (PTY) LTD, an engineering company owned by Lufuno Mphaphuli, in a matter relating to the review of the Special Investigating Unit's (SIU) investigation report on the electrification of Limpopo villages in Greater Tubatse Municipality. In refusing the application, the Constitutional Court on 17 February 2025 concluded that the matter had already been decided to the extent that the relief sought was substantially the same relief sought in the previous applications to the same Court.

Furthermore, the Constitutional Court concluded that no case has been made for direct access on the remaining issues. This judgement permanently blocks Mphaphuli Consulting from litigating the same issues with the same parties at any South African court.

The SIU welcomes the Constitutional Court's decision, which reinforces its mandate to investigate the electrification of villages under Greater Tubatse Municipality and paves the way for a civil claim against the engineering company to recover approximately R76 million.

On 3 June 2024, the Constitutional Court dismissed with costs an application brought by Mphaphuli Consulting to appeal the decision of the Supreme Court of Appeal, which refused leave to appeal the judgment of the High Court of South Africa: Limpopo Division, Polokwane, to review and set aside an investigation report by the SIU relating to the electrification of villages in Limpopo Province.

An investigation by the SIU into Greater Tubatse Municipality revealed that the municipality had participated in an existing contract between Mphaphuli Consulting and Vhembe District Municipality for the electrification of villages. However, the terms of this contract were altered to

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increase the cost of services by approximately R5,000 compared to what was charged in Vhembe, resulting in an overpayment of approximately R76 million. In response, the SIU filed a civil claim in the Limpopo High Court in 2017 to recover the financial losses incurred by the municipality following the investigation's findings.

In response, Mphaphuli Consulting brought an application to review and set aside the SIU report and to seek an order compelling the SIU to stop all steps taken against the engineering company, which emanated from the SIU's investigation. In March 2022, the Limpopo High Court dismissed the application with costs. In August 2023, the Supreme Court of Appeal dismissed the application with costs. The SIU will pursue the legal fees Mphaphuli Consulting owes for these court proceedings and other related legal processes.

The SIU was authorised under Proclamation R52 of 2014 to investigate allegations of corruption and maladministration in the affairs of Greater Tubatse Local Municipality (now Fetakgomo Tubatse).

The SIU is empowered to institute civil action in the High Court or a Special Tribunal in its name, to correct any wrongdoing uncovered during its investigations caused by acts of corruption, fraud, or maladministration. In line with the Special Investigating Units and Special Tribunals Act 74 of 1996, the SIU refers any evidence pointing to criminal conduct it uncovers to the National Prosecuting Authority (NPA) for further action.

END.

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